



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

OCT 2 2009

Mr. William H. Orth III, WL-06  
Ammunition Inspector  
Fort Wainwright Ammunition Supply Point  
1060 Gaffney Road #7000  
Fort Wainwright, AK 99703-7000

Ref. No.: 09-0152

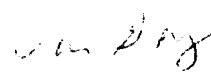
Dear Mr. Orth:

This responds to your July 2, 2009 email requesting clarification of requirements for transporting explosives under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if you may use fire-retardant tarpaulins to protect explosives transported on a motor vehicle as required by § 177.835(h).

Section 177.835(h) requires explosives to be protected from moisture and sparks and permits the use of fire- and water-resistant tarpaulin. The HMR do not define the terms "fire-resistant" or "fire-retardant." For purposes of compliance with § 177.835(h), any tarpaulin that is manufactured using material that will protect an explosives shipment from moisture or sparks is acceptable. Note that for purposes of this section, the terms "fire-resistant" and "fire-retardant" are synonymous.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

  
Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

**Drakeford, Carolyn (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Tuesday, July 07, 2009 11:07 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Hazmat Safety Feedback: Problem

Andrews  
§ 177.835(h)  
Highway  
09-0152

-----Original Message-----

From: HMIS (PHMSA)  
Sent: Monday, July 06, 2009 6:28 AM  
To: INFOCNTR (PHMSA)  
Subject: FW: Hazmat Safety Feedback: Problem

Completed via phone by TS on 7/6 @ 4:43pm. Left vm.

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]  
Sent: Thursday, July 02, 2009 2:15 PM  
To: HMIS (PHMSA); PHMSA Webmaster  
Subject: Hazmat Safety Feedback: Problem

We are trying to replace worn out cotton duck tarps which were marked as "Fire Resistant". These tarps will be used to cover Class 1 explosives loaded on flat bed trucks. We have found several vendors who offer Fire Retardant tarps, some of which are listed below : My question is in two parts: First: are fire retardant tarps equivalent to, or substitutable for, fire resistant tarps, and second, Do either of the below listed items meet the requirements of 49 CFR 177.835(h) (see below) ?.

1. "Government official fire retardant tarps with the CPAI-84 specification is the only way to go when it comes to fire retardant tarps. Our fire retardant tarps are certified by the California State Fire Marshal. These fire retardant tarps are specially treated and comply with all NFPA 701, CPAI-84 and California Title 19 Guidelines. The fire test process for our fire retardant tarps are very extensive and the fire retardant fabric must go through a strict, two part testing process with an independent testing agency and finally with the California State Fire Marshal's Office.

The fire retardant tarps are great tarps to protect against static electricity. These flame retardant polyethylene tarps or fire resistant tarps are built with the highest of standards. All of our fire retardant tarps come with a California State Fire Marshal tag permanently attached to the side of the tarp. "

2. "Fire retardant tarps offered by XXXXXXXXXXXXXXXXXXXX.com are certified under the California State Fire Marshal. Each fire retardant tarp is specially treated and complies with all NFPA 701, CPAI-84 and California Title 19 Guidelines. Our fire retardant fabrics go through a strict two part testing process with first an independent testing agency and finally with the California State Fire Marshal's Office. Offered in either silver or white, each tarp comes with the California State Fire Marshal tag permanently attached to the side of the tarp.  
Our Fire Retardant tarps are weather resistant- 100% UV Protection, Waterproof, and Mildew-proof. Its strong, tear resistant high density polyethylene. Each tarp comes with heavy-duty rust resistant grommets every 18 inches with rope reinforced corners and eyelets. "

"49 CFR 177.835(h) Lading within body or covered tailgate closed. Except as provided in paragraph (g) of this section, dealing with the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, all of that portion of the lading of any motor vehicle which consists of Class 1 (explosive) materials shall be contained entirely within the body of the motor vehicle or within the horizontal outline thereof, without overhang or projection of any part of the load and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation. Every motor vehicle transporting Class 1 (explosive) materials must either have a closed body or have the body thereof covered with a tarpaulin, and in either event

care must be taken to protect the load from moisture and sparks, except that subject to other provisions of these regulations, Class 1 (explosive) materials other than black powder may be transported on flat-bed vehicles if the explosive portion of the load on each vehicle is packed in fire and water resistant containers or covered with a fire and water resistant tarpaulin."

Thank You

William H. Orth III , WL-06  
Ammunition Inspector  
Ft Wainwright AK 99703

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